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March 3, 2016

Suzanne Mooney
Louisiana Board of Ethics
P.O. Box 4368
Baton Rouge, LA 70821

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Re: Request for an Advisory Opinion

Dear Sue:

I am writing on behalf of Vincent Russo requesting an ethics advisory opinion regarding post-employment restrictions in the Ethics Code for consideration at the Board's April meeting. Mr. Russo was employed as the Special Assistant in the Office of Engineering of the Louisiana Department of Transportation and Development (DOTD) as its Executive Director from December 2010 until his resignation in February 2015. The Special Assistant has no supervisory responsibility and is under the supervision of the Chief Engineer Administrator of the Department. Mr. Russo also served as the Project Development Director for DOTD, with responsible charge of the Road Design, Bridge Design, Location & Survey, Right-of-Way and Utility Sections from March 2006 to December 2010. Mr. Russo also served as the Environmental Engineer Administrator for DOTD, with responsible charge of the Environmental Section, from November 1999 to March 2006.

Mr. Russo resigned from public employment on February 2015 and is now employed with an engineering consulting firm which desires to draw upon his expertise and experience to consult with engineering firms in connection with projects that may or may not involve the DOTD.

In November 2014, Mr. Russo previously submitted a Request for Advisory Opinion regarding any post-employment restrictions applicable to him as a former employee of the DOTD. Mr. Russo now submits an additional request for an advisory opinion that is more narrowly tailored to what Mr. Russo seeks to do for his new employer, SJB Group, LLC ("SJB").

As a former public employee, it is understood that Mr. Russo is governed by the provisions of La. R.S. 42:1121B for two years after his date of separation, or until February 2017. This statute provides that during this period, Mr. Russo shall not "assist another person, for compensation, in a transaction, or in an appearance in connection with a transaction, in which such former public employee participated at any time during his public employment and involving his former governmental entity."

Mr. Russo's intended assistance to SJB on DOTD projects on which he did not participate does not violate the post-employment restrictions. He will not be consulting with or assisting SJB in transactions involving his former governmental entity in which he participated.

Additionally, it is understood as concluded by the Board in Ethics Board Docket No. 2014-1279, that SJB is prohibited under Section 1121C, for the same two year period, from assisting another person, for compensation, in transactions in which Mr. Russo participated while he was an employee of the DOTD. However, SJB's intended services pursuant to a contract with the DOTD for consulting services for the DOTD are not prohibited even if SJB is providing services to the DOTD on a transaction in which Mr. Russo participated. SJB is not assisting another person as it will be providing services directly to Mr. Russo's former agency and not assisting its clients with transactions involving Mr. Russo's former agency. Additionally, the DOTD is not a "person" within the meaning of the Ethics Code.

Mr. Russo hereby requests an Ethics Advisory Opinion to confirm that he would not be violating La. R.S. 42:1121B or any other provision of the Code of Governmental Ethics by assisting SJB in connection with projects that may or may not involve the DOTD, as long as he does not assist SJB on projects on which he participated. And that SJB is not prohibited under La. R.S. 42:1121C from contracting with the DOTD on matters which Mr. Russo may have participated because SJB is not assisting a client but is instead providing services directly to the DOTD.

Please do not hesitate to contact me should you have any questions about this matter or require additional information.

Yours truly,


Alesia M. Arden